HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20819 OF 2005

DATED 06-10-2005

Between :

1 . The Government of Andhra Pradesh, represented by its Principal Secretary to Government, Home (Prisons A) Department, Secretariat Buildings, Hyderabad-22 and others.

…..Petitioners

And :

Md. Ibrahim, Jail Warder(Retired), resident of 17-2-314/1, Kurmaguda, Hyderabad-59.

…….Respondent.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition is filed by the writ petitioner aggrieved by the orders passed in O.A.No.10759 of 2002 on 28-06-205 by the A.P. Administrative Tribunal, Hyderabad, under which the Tribunal disposed of the O.A. with the observations mentioned therein.

The respondent herein is the applicant before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under Section 19 of the Administrative Tribunals Act, 1985 seeking to call for the records from the respondents, examine the matter thoroughly and quash the impugned order contained in Memo.No.19061/Prl.A/A1/01-3 dated 09-10-2002 of the Govt. Home (Prisons-A) Department communicated with Endt. No.E.A.4/170/2001 dated 22-10-2002 of the 2nd respondent read with order No.E1/1146/92-1074 dated 24-06-1992 of the Addl. Inspector General of Prisons, A.P., Hyderabad as illegal. The Tribunal having observed that the respondent-authorities, being a model

employer, have to deal with even handedness and same yardstick and they dealt with the applicant totally on a different yardstick and therefore, such a stand cannot be appreciated , set aside the order impugned and remanded the matter to the authorities to consider and pass appropriate orders of punishment, as has been done, in the case of Narsing Rao and B. Subhash Chander. Having aggrieved by the same, the respondents preferred this writ petition.

Heard the learned counsel and perused the entire material available on record.

It is contended by the learned Government Pleader for Services-I that the other co-delinquents viz., Sri Narasing Rao and Sri B. Subhash Chander have admitted their guilty and pleaded for mercy and therefore, they were reinstated into service with punishment of postponement of their next annual grade increments with cumulative effect and subsequently, the said orders were modified to that of without cumulative effect. It is further contended by the learned Government Pleader that the applicant did not submit his explanation for the charge in question and requested for oral enquiry and therefore, he was meted out with the punishment of compulsory retirement and subsequently, the appellate authority modified the orders and as such there is no illegality. Therefore, the case of the applicant cannot be treated as that of his co-delinquents and thereby, the order of the tribunal is liable to be set aside.

On the other hand, it is contended by the learned counsel appearing on behalf of the applicant that the respondents-authorities have discriminated the case of the applicant while imposing the punishment and therefore, the order of the tribunal is justified and it does not warrant any interference by this Court.

We have perused the order impugned. It is an admitted fact that the other co-delinquents of the applicant have admitted their guilty, and therefore, they have been imposed with lesser punishment whereas the applicant insisted for an oral enquiry. As a consequence of which, he was meted with a major punishment. In this regard, We feel that the respondents-employer has to adopt certain set of procedure while dealing with the disciplinary proceedings against the employees under their control and in the absence of adopting uniformal yardstick while imposing the punishment against the employees, it leads to utter discrimination in case of the applicant as rightly observed by the tribunal. In this view of the matter, the order of the tribunal, which is clear and clinching, does not warrant any interference by this Court and We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

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Justice T. MEENA KUMARI

DATE: 6th October, 2005.

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20819 OF 2005

(Judgment delivered by the

Honourable Smt. Justice T. Meena Kumari)

DATE: 6th October, 2005.